

Minutes
Air Pollution Control Board
Elkhart County Public Services Building - Rooms A & B
4230 Elkhart Road
Goshen, Indiana

September 1, 1999
7:00 p.m.

1. Mr. John Walker, Chairman, called the meeting to order at 7:00 p.m. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: John Walker, Chairman
Thomas Anderson
John Bacone, Proxy, Department of Natural Resources
Jeff Bowe
Howard Cundiff, Proxy, State Board of Health
Chris Horn
Randy Staley
Dr. James Miner
Dr. George Ewing

Staff members present were Janet McCabe, Assistant Commissioner; Kathy Watson; Paul Dubenetzky; and Mike Brooks.

3. Ms. McCabe thanked Global Glass for letting the board members tour its facility. The board also visited an urban air toxics monitoring site in Elkhart, one of four cities in the state where IDEM is monitoring levels of air toxics. This is part of a two-year project to determine levels of certain toxins in the air.

REPORTS

Ms. McCabe updated the board on the new ozone standards and the efforts of various states and the EPA to find an agreement on how to proceed with nitrogen oxides reductions. No settlement has been reached at this point.

Ms. McCabe also reported on the efforts of the Environmental Quality Service Council (EQSC). The department, as well as some air board members, are participating in the discussion of a number of air issues. Emissions trading, styrene, and ozone are issues that the EQSC is reviewing. The EQSC will report any recommendations to the General Assembly by the end of the year.

4. Chairman Walker introduced the presentation of nonrule policy document Air-024 NPD, draft interim guidance for the reinforced plastics composites fabricating industry.

**PRESENTATION OF
NONRULE POLICY
DOCUMENT Air-024
NPD, Draft Interim
Guidance for the
Reinforced Plastics
Composites Fabricating
Industry**

Ms. McCabe commented. This is a draft guide document that was developed by the department with input from the regulated community and the public. It is intended to provide guidance on how the department is addressing certain issues affecting the fiberglass industry. This meeting provides an opportunity for the citizens and businesses in the area to raise comments in the presence of the board and department.

According to state law, this nonrule policy document must become final by November 1, 1999. Before it becomes effective, a final document must be presented to the board, which is planned for the October board meeting. Comments received during tonight's board meeting will be considered by the department as it finalizes the current document.

The nonrule policy document addresses the department's policy with respect to the pollutant styrene, a synthetic chemical used in the composite plastics fiberglass industry. The EPA has identified it as a possible carcinogen. In 1997, between four and five million pounds of styrene were emitted in Indiana. Approximately 75% of that was emitted from the Elkhart, St. Joseph and Marshal County areas. The opportunity to reduce styrene emissions has increased in the past few years. Technological developments have provided the industry with several innovative, low-cost and practical measures.

Additionally, about 18 months ago, it was determined that the emission factors underestimated the emissions from this industry by about half. The department was concerned that companies may not be able to show compliance with their permitted limits once emissions were recalculated using new emission factors.

This nonrule policy document is focused primarily on existing sources that may have trouble complying with their permitted emission limits. It also addresses permits for new sources.

Mr. Paul Dubenetzky detailed some of the permitting issues that have arisen due to the new emission factors. He discussed the best available control technology (BACT) definition and its applicability to existing sources that intend to seek new emission limits as a result of the change in emission factors.

Mr. Kurt Anderson, Environmental Health and Safety Director of the Monaco Coach Corporation, gave comment. The Composites Fabricators Association (CFA) believes that additional controls should not be part of the permit limit correction process. The board should consider the draft rule for industry-specific control that Mr. Anderson submitted. Monaco Coach and CFA questioned IDEM's authority to conduct a BACT analysis and add controls to existing facilities.

Mr. Vince Griffin, Director of the Environmental Industry Policy for the Indiana Chamber of Commerce in Indianapolis commented on the significance of the styrene nonrule policy document. He commended the CFA, Senator Riegsecker, Senator Adams, IDEM, and the styrene industry for their cooperation and support in developing a policy to address styrene emissions.

Mr. Tom Neltner, representing Kids and Our Environment, gave comment. Everyone, including the industry and public, wants styrene emissions reduced. There are issues of fairness in changing existing emission factors for both the public and the industry. Mr. Neltner mentioned that some of the EPA's emission factors may be too high; this presents opportunities for industry, such as emissions trading.

Mr. Anderson commented that it is important to look at the issue of emissions trading due to a change in emission factors. It is a timely issue with this policy.

Mr. Dubenetzky replied that it is not uncommon that emission factors change. This issue has been dealt with before and the department tries to be as consistent as possible in addressing them.

Mr. Tom Brown, computer consultant, gave comment. He noted that Elkhart County is the fifth most threatened county in America concerning cancer-causing pollution. Regarding the fairness issue, he reminded IDEM that it is not the department's goal to keep the styrene industry in business, but to protect the public and provide the public with cleaner air.

Ms. Andrea Holtz, representing the Network for Women and Children's Environmental Health, commented that she was present to petition the Air Pollution Control Board, IDEM, and the Reinforced Plastic Composite Fabricating Industry to take immediate action in implementing the necessary measures to insure the reduction of styrene in the Elkhart community by fifty percent (50%). She was concerned that it may take up to 18 months to begin reducing styrene emissions. She noted that health standards are based on a 165 lb. man and are not protective of women and children.

Mr. Malcolm McDonald commented that much of the discussion is based on risk assessment. As far as he is aware, no risk assessment has been done with interrelating factors of different kinds of toxins, pollutants, and emissions, which would be necessary to produce a clear and well-thought-out policy. He noted that risk assessments do not consider unborn children, children and women.

Senator Marvin Riegsecker commented on referring to styrene as a carcinogen. He thinks it highly questionable. He is, however, concerned with the respiratory irritation that styrene causes, and would encourage looking for a correlation between styrene emissions and respiratory conditions.

Ms. Marie McDonald, registered nurse, gave comment. She recommended the EPA's website at www.epa for current styrene information. Ms. McDonald indicated research showed respiratory illnesses had increased in children 60-92% from 1970-1990, which she attributes to air pollution. Mr. Anderson questioned if the children's statistics was for asthma increases. Ms. McDonald confirmed that childhood asthma had increased 60-92% from 1970-1990, depending on the study.

Mr. Bowe asked if data was available after 1990, after the Clean Air Act was effective. Ms. McDonald replied that there is newer data, but it is not from the same study.

Mr. David Whitmer, with DECA, Incorporated, asked if preliminary data was available from the air monitoring efforts. He commented that, nationwide, air pollution was down 15-30%, yet there were increases in cancer and asthma. He questioned that these increases had much to do with air pollution.

Mr. Kurt Anderson gave comment. The industry is responsible for bringing forth this issue. The industry wanted this brought before the board to hear each party's concerns.

Chairman Walker introduced the rulemaking actions on the agenda and continued with the general hearing procedures.

5. Chairman Walker introduced Exhibit 1, draft rule 326 IAC 18-1-6, asbestos license renewals, into the record of the hearing.

Ms. McCabe commented on the rule. The intent of this amendment is to ensure that requirements are consistent between the people who are applying for initial licenses and people who are applying for renewals.

Mr. Bowe asked how many people were licensed under this program, and if administrative tests would be given to all applicants. Ms. McCabe answered that there were hundreds licensed, and that a random number would be tested.

Dr. Miner moved to preliminary adopt rule 326 IAC 18-1-6 as amended. Mr. Anderson seconded. The motion passed unanimously.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 18-1-6,
Asbestos License
Renewals**

6. Chairman Walker entered into the record Exhibit 2, draft rule 326 IAC 1-2-48, definition of nonphotochemically reactive hydrocarbons or negligibly photochemically reactive compounds.

Ms. McCabe commented on the rule. This rule has to do with ozone and ozone precursors. The U.S. EPA determines whether a particular chemical is considered to be an ozone precursor. A list of those chemicals is published in the Federal Register. The Indiana State Rules has incorporated that list of chemicals into the state rules, which must be periodically amended. Since this is a fairly lengthy process, it is being recommended that a reference to the federal site be listed rather than listing the chemicals individually.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 1-2-48,
Definition of
Nonphotochemically
Reactive Hydrocarbons
or Negligibly
Photochemically
Reactive Compounds**

Ms. McGeever questioned if there would ever be a situation where the state rules would be less or more restrictive than federal guidelines. Ms. McCabe answered that she could not think of such a

situation. Many of these rules address chemicals specifically by name or category. This change would not affect those rules. This would make sure that anywhere nonphotochemically reactive hydrocarbons are referred to within the rules, the definition is as consistent as possible with the federal definition.

Dr. Miner asked if, as part of the Clean Air Act, the rule must be at least as stringent as the EPA required, but never less stringent. Ms. McCabe answered affirmatively. The risk would more likely be that the state may be stricter than the federal rules because of a specific situation. The department will check this before the rule is up for final adoption.

Mr. Whitmer gave comment. He asked the board not to preliminary adopt this rule. He recommended listing the compounds with the CAS and refrigerant numbers.

Ms. Nancy Norton, from Imagineering Enterprises, gave comment. She agreed with Mr. Whitmer. Ms. Norton recommended listing compounds by CAS number, at least on the web site, and also to include a link to the appropriate federal document.

Mr. Bacone asked what IDEM's response to the comments were. Ms. McCabe answered that making the information available on the web site was an excellent idea and certainly something the department could do. Ms. McCabe also suggested presenting the board with ideas for making information more available before presenting the rule for final adoption.

Mr. Cundiff moved to preliminary adopt the rule 326 IAC 1-2-48 as amended. Dr. Miner seconded. The motion passed unanimously.

7. The next meeting is scheduled for Wednesday, October 6, 1999,
at 1:00 p.m., in the Indiana Government Center South Building, Room
A, 402 West Washington St., Indianapolis, Indiana.

NEXT MEETING

8. Chairman Walker adjourned the meeting at 9:10 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary